

22 February 2019

**INDUSTRY CIRCULAR: PROMULGATION AND EXTENSION OF THE MAIN  
COLLECTIVE AGREEMENT.**

The National Bargaining Council for the Road Freight and Logistics Industry (NBCRFLI referred to as Council) remains committed to keeping the industry up to date about the wage agreement promulgation and extension process.

The three-year wage agreement signed by Parties to Council towards the end of 2018 was submitted to the Department of Labour (DoL) for promulgation and extension to non-parties by the Minister of Labour. It was subject to a public comment period which expired on 11 February 2019. We are awaiting final feedback from the DoL in this regard.

As you are aware, the current agreement expires on 28 February 2019 and ideally the agreement which was concluded in 2018, should take effect on 1 March 2019. This however is subject to the agreement being promulgated and extended to non-parties on or before 1 March 2019.

Notwithstanding the above, the Council constitution makes provision for companies to voluntarily elect to implement all or certain provisions of the new agreement should they so wish, even in the event that promulgation and extension is pending. It further protects such employers who elect to implement the new terms and conditions as from 1 March, in that such employers will be deemed to be compliant in the event that the promulgation and extension happens at a later stage. In other words, such employers will be protected from implementing the provisions a second time once promulgation and extension occurs.

*For ease of reference, refer to the following excerpt from signed Wage Agreement, clause 5.1 which references the relevant clause in the Council Constitution: The provision of the clause 20.3 of the NBCRFLI constitution shall apply in this regard.*

*Should an employer elect to implement this agreement or parts thereof, (as per clause 20.3.3 of said constitution), prior to extension of the Minister of Labour to non-parties, such employer will be deemed to already be in compliance with the published agreement insofar as the applicable provisions that have already been implemented by such employer. For the purpose of these negotiations, the aforementioned items constitute the amendments required to the Main Collective Agreement.*

Furthermore, whether or not a company elects to implement the new provisions, we urge employers to remain compliant and continue with existing contributions so as to ensure that employees are not prejudiced in terms of their benefits.

In the event that any of the above circumstances may change, we undertake to immediately update the industry accordingly. The NBCRFLI is doing everything in its power to keep engagement with the DoL going in order to resolve the matter of promulgation and extension urgently.

The Council extends its deepest appreciation on your continued patience regarding this matter.

Yours Sincerely

**Musa Ndlovu**

**National Secretary**

**(This document has been sent electronically and is therefore not signed).**